



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 8, 2013.

Date of Meeting: March 19, 2013

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:37 p.m., on Tuesday, March 19, 2013, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Vice Mayor, Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Roy Tullgren, Gospel Rescue Mission, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed March 18 to March 24, 2013 to be "Fix a Leak Week". Alan Forrest, Director of Tucson Water, accepted the Proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 91, dated March 19, 2013, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Vice Mayor Romero and Council Members Cunningham, Uhlich, Scott, and Fimbres. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 92, dated March 19, 2013, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 88, dated March 19, 2013, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Application(s)

New License(s)

1. Calle Tepa Mexican Street Grill, Ward 6
6151 E. Broadway Blvd.
Applicant: Kevin Arnold Kramber
Series 12, City 10-13
Action must be taken by: April 4, 2013

Staff has indicated the applicant is in compliance with city requirements.

2. Wal-Mart Supercenter #3884, Ward 6
3435 E. Broadway Blvd.
Applicant: Clare Hollie Abel
Series 10, City 12-13
Action must be taken by: April 5, 2013

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person/Location Transfer(s)

3. Trader Joe's #191, Ward 3
4209 N. Campbell Ave.
Applicant: Andrea Dahlman Lewkowitz
Series 9S, City 9-13
Action must be taken by: March 31, 2013

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Melissa R. Houghland
City T27-13
Date of Event: April 12, 2013
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

2. Tucson Celtic Festival Association, Ward 3
3054 N. 1st Ave.
Applicant: Dale V. Pederson
City T28-13
Date of Event: April 6, 2013
(Tartan Day)

Staff has indicated the applicant is in compliance with city requirements.

3. St. Joseph Parish, Ward 6
215 S. Craycroft Rd.
Applicant: Mathias Peter Wirtz
City T29-13
Date of Event: April 12, 2013 - April 13, 2013
(Annual Social Event)

Staff has indicated the applicant is in compliance with city requirements.

4. Live Theatre Workshop, Ward 6
5317 E. Speedway Blvd.
Applicant: Michael Andrew Martinez
City T30-13
Date of Event: April 5, 2013 - April 6, 2013
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

5. Tucson Screammers, Ward 3
1102 W. Grant Rd.
Applicant: Bobby G. Sutton Jr.
City T31-13
Date of Event: March 23, 2013
(Charitable Mud Run)

Staff has indicated the applicant is in compliance with city requirements.

- d. Agent Change/Acquisition of Control

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b3, and 5c1 through 5c5 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

New License(s)

2. Wal-Mart Supercenter #3884, Ward 6
3435 E. Broadway Blvd.
Applicant: Clare Hollie Abel
Series 10, City 12-13
Action must be taken by: April 5, 2013

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b2, Wal-Mart Supercenter #3884 located in Ward 6.

Clare Abel spoke on behalf of Wal-Mart stores. She asked the Mayor and Council's support and recommend approval for the liquor license.

Frank Babb and Steve Behr spoke in opposition of the liquor license request.

Council Member Kozachik stated no one locally had been involved in the decision making capacity and due to the applicant's unresponsiveness to the community's best interest, he recommended denial to the State Liquor Board. He asked that the City make a formal request to have the appeal hearing be held in Tucson.

Council Member Cunningham said the City's recommendations were often overturned by the State. He requested that the record express a firm denial regarding this application.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b2 to the Arizona State Liquor Board with a recommendation for denial.

A complete verbatim transcription of this item is available from the City Clerk's Office.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

Comments were made by:

Ken Rineer	Robert Reus	Ken Johnson
Maria from Project Raise	Thomas Maza	Billy Lolos
Mike Varney	Kym from Project Raise	James Merkle
Frank Rupp	Jon Gettell	Shannon Barcato

Mayor Rothschild asked staff to follow up on Mr. Rineer's public records request.

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH G

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager MAR19-13-87 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of June 26, 2012
3. Mayor and Council Study Session Legal Action Report and Summary Minutes of June 26, 2012

b. INDUSTRIAL DEVELOPMENT AUTHORITY: APPOINTMENTS TO THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF TUCSON

1. Report from City Manager MAR19-13-86 CITY WIDE
2. Resolution No. 22016 relating to the Industrial Development Authority of the City of Tucson; reappointing Gary Bachman and Judy Clinco, whose previous terms expired on March 12, 2013, to the Board of Directors of the Industrial Development Authority of the City of Tucson, for new six-year terms beginning on March 13, 2013 and expiring March 12, 2019; and declaring an emergency.

c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE MASTER AGREEMENT FOR JOINT USE OF FACILITY SPACE

1. Report from City Manager MAR19-13-93 CITY WIDE
2. Resolution No. 22019 relating to Intergovernmental Agreements; approving and authorizing the execution of amendments to Site Specific Agreements (Tucson Fire Station 17 and Public Safety Training Academy) associated with Intergovernmental Agreement - Master Agreement for Joint Use of Facility Space between Pima County and the City of Tucson in Support of the Pima County Wireless Integrated Network (PCWIN); and declaring an emergency.

- d. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR PARKING SERVICES
 - 1. Report from City Manager MAR19-13-90 WARD 1
 - 2. Resolution No. 22018 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for parking services; and declaring an emergency.
- e. AGREEMENT: AMENDMENT WITH PIMA COUNTY FOR THE NEIGHBORHOOD STABILIZATION PROGRAM 2
 - 1. Report from City Manager MAR19-13-84 WARDS 1, 4, 5, AND 6
 - 2. Resolution No. 22015 relating to Housing and Community Development; authorizing and approving the execution of Amendment No. Two (2) to the NSP2 Consortium Funding Agreement between the City of Tucson and Pima County for the Neighborhood Stabilization Program 2 (NSP2); and declaring an emergency.
- f. DEVELOPMENT: APPROVAL OF THE JOINT BUSINESS OBJECTIVES
 - 1. Report from City Manager MAR19-13-83 CITY WIDE
 - 2. Resolution No. 22014 relating to Development; approving Joint Business Objectives between the City of Tucson and its business community; and declaring an emergency.
- g. REAL PROPERTY: ACQUISITION OF PROPERTY LOCATED AT OLD VAIL ROAD AND RITA ROAD FOR A REGIONAL TRANSPORTATION AUTHORITY PARK AND RIDE FACILITY
 - 1. Report from City Manager MAR19-13-89 WARD 4
 - 2. Resolution No. 22017 relating to Real Estate and Transportation; authorizing the acquisition of property for the Regional Transportation Authority Park and Ride Facility at Old Vail Road and Rita Road; and declaring an emergency.

Michael Rankin, City Attorney, read a correction into the record for Item g, regarding the purchase price of the property. He stated the correct price was \$160,241.00.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – g, with the amendment to Item g, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: MOUNTAIN VAIL ANNEXATION DISTRICT

Mayor Rothschild announced City Manager's communication number 82, dated March 19, 2013, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed Mountain Vail Annexation District. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Council Member Uhlich asked about the process of annexations and if this item was moving directly into annexation without a pre-annexation agreement step.

Chris Kaselemis, Director of Economic Initiatives answered affirmatively.

Council Member Uhlich asked how the pre-annexation agreement became integrated into the current step.

Mr. Kaselemis stated pre-annexation agreements were normally done when they were not in a position to annex rapidly but this particular annexation was contiguous, which allowed them to annex quickly. He stated the property did not have water and in order for them to receive Tucson Water, they needed to be annexed. He said the district was interested in becoming annexed right away.

Council Member Uhlich asked if the same terms and analysis normally looked at, in terms of considering an annexation, were followed.

Mr. Kaselemis replied it was the traditional annexation process they followed in that they did a financial analysis and asked each department what it would take to serve the area. He stated they perform the analysis, have a public hearing, and come back to Mayor and Council for ordinance adoption.

Council Member Uhlich referred to the analysis of the annexation being zero cost or impact to services. She asked Mr. Kaselemis and the City Manager to keep track of the amount and number of annexations analyzed and their cumulative impacts.

Council Member Kozachik agreed with Council Member Uhlich's statement in regard to zero cost or impact to services. He stated even the small contiguous development would have to result in some cost to the City due to infrastructure, maintenance to the roads, police, and fire services needed.

Mr. Kaselemis referenced a model the Tucson Police Department utilized to determine what services would be needed. He stated it was up to the departments to keep

track of the analysis and annexations. He said for large annexations that warranted immediate services, costs would be included in the analysis.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to proceed with the Mountain Vail Annexation District.

9. TUCSON CODE: AMENDING (CHAPTER 15) RELATING TO THE PLASTIC BAG RECYCLING PROGRAM

The City Clerk announced that the City Attorney had a correction to read on the ordinance.

Michael Rankin, City Attorney, announced there was a technical correction to the introductory note of Section 2 of the Ordinance. He stated the correct verbiage was, "Tucson Code Section 15-60 is amended to read as follows..."

Mayor Rothschild announced City Manager's communication number 85, dated March 19, 2013, was received into and made part of the record. He requested the Clerk to read Ordinance 11056 by number and title only.

Ordinance No. 11056 relating to plastic bags; requiring a reduction in plastic bag consumption and increase in current plastic bag recycling by retail establishments; amending Tucson City Code Chapter 15, Article I, Section 15-1; and amending Article VII to Chapter 15, Section 15-60; setting an effective date; and declaring an emergency.

Katharine Kent, Small Minority Women Owned Business Commission, reported on the research conducted to establish a common goal and the final consensus.

Tim McCabe, Arizona Food Marketing Alliance, commented on the process used to establish a common goal and the final consensus. He encouraged the initiation of an awareness program.

Deron Beal, Tucson Clean and Beautiful, also reported on the working group and their consensus. He suggested the ordinance be expanded to include three main consensus goals: fifty percent reduction in the use of bags and an increase in thirty percent of the recycling of bags, educational outreach, and reporting via an auditor. Mr. Beal said the ordinance did not contain goals even though the working group had consensus on goals. He asked Mayor and Council to embrace those agreements provided by the working groups and to consider adopting all six bullet points of consensus presented at the November 14, 2012 study session meeting.

Mike Varney, Tucson Metro Chamber, spoke in support of a cleaner Tucson, but he stated, regarding bans, citizens were opposed to government intervention. He said he

believed the City could have a cleaner, nicer community through awareness and voluntary compliance. He indicated that the Chamber looked forward to working together to reduce all forms of litter and create a more beautiful Tucson.

Council Member Cunningham said Tucson was an ecologically responsible community and he was proud of the collaboration of the business and environmental stakeholders. He agreed a more prevalent recycling programs, training and awareness were needed. He stated the mechanism to actually count bags was needed before meeting the fifty percent and thirty percent goals and that the counting mechanism would give the community data to pave the way for a more environmentally responsible community.

It was moved by Council Member Cunningham, duly seconded, to pass and adopt Ordinance 11056.

Council Member Uhlich noted for the record that Council needed to be respectful of the time and process it took a group to come to a consensus. She said unfortunately, the consensus provided by the working group was unraveled by the questions asked to individuals during the process. She stated she agreed with Council Member Cunningham in taking steps to keep with the recommendations that were reached.

Roger Randolph, City Clerk, clarified the motion was to pass and adopt Ordinance 11056 as amended.

Ordinance 11056 as amended was declared passed and adopted by a roll call vote of 7 to 0.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 94, dated March 19, 2013, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointments of Robert E. Page and Jennifer Patton to the Design Review Board (DRB); Albert Celaya, Tom Heath, and LuAnn Kidd to the Metropolitan Housing Commission (MHC); Nicholas Taras to the Tucson Commission on Gay, Lesbian, Bisexual, and Transgender Issues (GLBT); and Vern Pall to the Veterans' Affairs Committee (VAC).

Mayor Rothschild asked if there were any personal appointments to be made.

There were none.

11. ADJOURNMENT: 7:03 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, March 27, 2013, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 19th day of March 2013, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:eg:jr